

REMARKS

Applicant has amended page 5 of the specification exactly as the examiner has suggested. This involves only deletions and therefore no new matter has been inserted.

Applicant has deleted claim 1 in its entirety. Since there is no insertion, there is no insertion of new matter.

Applicant has amended the phrase about aesthetic design in claim 2 to read instead that the invention is shaped to resemble a food item. Deshaies (Patent No. 5,944,516) does not disclose such a feature, and therefore the examiner's rejection under 35 U.S.C. section 102 is now overcome. This amendment is not new matter since Applicant has disclosed a hamburger shaped embodiment at Figure 1.

Applicant respectfully traverses the examiner's rejection of claim 3 under 35 U.S.C. section 103 on the grounds that the indicia disclosed by this invention would not be visible through the brushes covering the surface of the Deshaies invention (Patent No. 5,944,516). See Figure 1 and Figure 5. Deshaies has a surface almost entirely covered either in brushes or valves. Since this would cover and obscure any indicia on the surface, Deshaies teaches away from Chamberlain's invention making Chamberlain's invention non-obvious.

Applicant respectfully traverses the examiner's rejection of claim 4 under 35 U.S.C. section 103 on the grounds that Deshaies teaches away from the Chamberlain invention. Specifically, at Column 2, lines 3-7, Deshaies teaches that dogs could tear apart and choke on large pieces of rope. It teaches away from making the combination the examiner suggests. Deshaies assumes, in other words, that dogs would choke on the carrying strap disclosed by Chamberlain. Chamberlain's use of the carrying strap is therefore non-obvious. Applicant has made a minor amendment to this claim so that it depends from claim 2 rather than the deleted claim 1. This is not new matter since claim 2 is not new matter and the prior claim 4 has only been changed to incorporate claim 2.

Applicant respectfully traverses the examiner's rejection of claim 5 under 35 U.S.C. section 103 on the grounds that the hollow cavity in Deshaies is affirmatively stated in that patent to be filled with a liquid of a paste like consistency. Such a liquid would prevent a bell from ringing and therefore Deshaies teaches away from the combination with Huettner suggested by examiner. The combination would be inoperable. Applicant has made a minor amendment to this claim so that it depends from claim 2 rather than the deleted claim 1. This is not new matter since claim 2 is not new matter and the prior claim 5 has only been changed to incorporate claim 2.

Claim 6 has been withdrawn by the examiner from further

consideration.

Applicant respectfully traverses the examiner's rejection of claim 7 under 35 U.S.C. section 102 on the grounds that the two valves disclosed by examiner's reference do not have a structure that moves in a substantially perpendicular alternate movement with respect to the wall. The embodiment disclosed in Figure 2 is a check valve which moves in an arcuate motion rather than one which is substantially perpendicular to the wall. The valve shown in Figure 7 features slits deformable under pressure (which would be moving substantially parallel with the wall.) The features in Applicant's invention are not identically disclosed in Patent Number 5,944,516 by Deshaies and therefore 35 U.S.C. section 102 does not apply.

Applicant respectfully traverses the examiner's rejection of claim 8 under 35 U.S.C. section 102 on the grounds that the two valves disclosed by examiner's reference do not have a structure that moves in a substantially perpendicular alternate movement with respect to the wall. The embodiment disclosed in Figure 2 is a check valve which moves in an arcuate motion rather than one that is substantially perpendicular to the wall. The valve shown in Figure 7 features slits deformable under pressure (which would be moving substantially parallel with the wall.) The features in Applicant's invention are not identically disclosed in Patent Number 5,944,516 by Deshaies and therefore 35 U.S.C. section 102 does not apply.

The examiner has withdrawn claim 9 from further consideration.

Applicant respectfully traverses the examiner's rejection of claim 10 under 35 U.S.C. section 103 on the same grounds as those mentioned above for claim 4. Deshaies teaches away from combining its invention with a carrying cord and therefore the combination examiner suggests is non-obvious.

Applicant has amended the phrase about aesthetic design in claim 11 to read instead that the invention is shaped to resemble a food item. Deshaies (Patent No. 5,944,516) does not disclose such a feature, and therefore the examiner's rejection under 35 U.S.C. section 102 is now overcome. This amendment is not new matter since Applicant has disclosed a hamburger shaped embodiment at Figure 1.

Applicant respectfully traverses the examiner's rejection of claim 12 under 35 U.S.C. section 103 on the same grounds as those given above for claim 3. Deshaies shows an invention almost entirely covered by brushes and valves. Indicia could not be visible on its surface. Therefore the combination the examiner suggests is non-obvious.

Applicant respectfully traverses the examiner's rejection of claim 13 under 35 U.S.C. section 103 on the same grounds as those given above for claim 5. Deshaies shows an invention with a

cavity filled with a pasty liquid. In such an environment, a bell would not ring and therefore Deshaies teaches away from combining it with internal bells. Such a combination is non-obvious.

The examiner has withdrawn claims 14-20 from further consideration.

WHEREFORE, Applicant respectfully requests the examiner to reconsider her rejections of claims 2-13 and withdraw the same.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence (Response to Office Action Mailed May 5, 2003 for application number 09/922,376) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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